

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANNE ANTOR,

Plaintiff,

Case No.
Hon.

v.

JAGUAR LAND ROVER NORTH AMERICA, LLC,

Defendant.

THE LIBLANG LAW FIRM, P.C.
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SUSAN M. MARTIN (P47459)
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POLCE & ASSOCIATES, P.C.
ANTHONY P. POLCE (P54954)
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Attorneys for JLRNA
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NOTICE OF REMOVAL

Now comes the Defendant JAGUAR LAND ROVER NORTH AMERICA, LLC ("JLRNA") by and through its attorneys, POLCE & ASSOCIATES, P.C., hereby removes this action to the United States District Court for the Eastern District of Michigan pursuant to 28 USC 1441 and 28 USC 1446 and in support thereof states as follows:

1. Plaintiff filed this action against JLRNA in the State of Michigan Third Judicial Circuit in Wayne County (Case No. 2018-015859-NZ) on December 14, 2018. A copy of the Complaint, and all other process, pleadings, and orders in this case is attached as **Exhibits A**.
2. The date of service is unknown. JLRNA received an extension of time to file its responsive pleadings to February 25, 2019.

3. JLRNA will file its Answer and Affirmative Defenses to Plaintiff's Complaint in this Court as soon as it is assigned a docket number.

4. The above-described action is an action of which this Court has original jurisdiction under the provisions of 28 USC 1331, and is an action which may be removed to this Court by JLRNA pursuant to the provisions of 28 USC 1441, in that it is a civil action wherein the matter in controversy is one which arises under the laws of the United States.

5. This Court has original jurisdiction over this action pursuant to 28 USC 1331 because Plaintiff alleges a claim which arises under the laws of the United States.

6. Count IV of the Complaint alleges a claim under the Magnuson Moss Warranty Act, which is a federal law codified in the United States Code under 15 USC §2301 et seq.

7. Defendant is entitled to remove the Plaintiff's Complaint to this Court under 28 USC § 1441(a) and (c), which provide, in pertinent part:

(a) **Generally.** Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

...

(c) Joinder of Federal law claims and State law claims.

(1) If a civil action includes--

(A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and

(B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute, the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).

(2) Upon removal of an action described in paragraph (1), the district court shall sever from the action all claims described in paragraph (1)(B) and shall remand the severed claims to the State court from which the action was removed. Only

defendants against whom a claim described in paragraph (1)(A) has been asserted are required to join in or consent to the removal under paragraph (1).

8. This Court has original jurisdiction over the Magnuson-Moss Warranty Act and therefore, JLRNA is entitled to remove this action to Federal Court pursuant to 28 USC 1441 and 1446.

Respectfully submitted,

Date: February 22, 2019

s/Anthony P. Polce
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such to the following: *all ECF participants*

and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: *none*

Date: February 22, 2019

s/Nicole M. Schnur
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